

## **REMARKS**

### **1. Summary of the Office Action**

In the final Office Action mailed February 1, 2011, the Examiner rejected claims 1-3, 11-12, 14, 16, 18, 21, 28-30, 32, 36, 42-47, 50-53, 55-61, 83, 101, 103, 112-116, 118, and 119 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,414,955 (Clare) in view of U.S. Pat. No. 5,608,643 (Wichter) and U.S. Pat. No. 6,751,455 (Acampora); rejected claims 4-10, 19, 38-41, 48, 49, 62, 63, 66, 67, and 69-79 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Acampora, and U.S. Pat. No. 6,615,088 (Myer); and rejected claims 13, 17, 25, 65, and 68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Acampora, and U.S. Pat. No. 5,184,311 (Kraus).

The Examiner rejected claims 15, 54, and 117 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Acampora, and U.S. Pat. No. 5,742,829 (Davis); rejected claims 19, 20, and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Acampora, and U.S. Pat. App. Pub. No. 2002/0154631 (Makansi); and rejected claims 9, 22-24, 26, 27, and 37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of Wichter, Acampora, and U.S. Pat. No. 6,546,419 (Humbleman). The Examiner also rejected claim 92 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clare in view of U.S. Pat. No. 5,377,189 (Clark) and rejected claim 94 over Clare in view of Clark and further in view of Acampora

Additionally, the Examiner objected to claims 34 and 35 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this notification of allowable subject matter.

### **2. Response to Interview Summary Mailed March 4, 2011**

On March 1, 2011, the Examiner and Tom Loos for the Applicant discussed the application. Prior to the interview, Applicant provided the Examiner with proposed amendments to claims 1 and 92 and mentioned that Applicant proposed making similar amendments to independent claims 63, 83, 101, 103, and 112.

During the interview, Applicant argued that recitation of “energy costs of communication” where “the energy cost is determined based on one or more attenuation values” as recited in the proposed amendments to claim 1 were not shown in the art, and that the “one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event” where “at least one inhibit message of the one or more inhibit messages is broadcast wirelessly” as shown in claim 92 was not shown in the art.

The Examiner agreed that Applicant’s proposed amendments would overcome the current rejections.

No other claims or art were discussed.

Applicant thanks the Examiner for sharing his time and expertise during the interview.

### **3. Summary of the Claims**

Previously, claims 33, 64, 80-82, 84-91, 93, 95-100, 102, and 104-111 were cancelled. Now pending are claims 1-32, 34-63, 65-79, 83, 92, 94, 101, 103, and 112-119, of which claims 1, 63, 83, 92, 101, 103, and 112 are independent claims, and the remaining claims are dependent claims.

In this response, Applicant has amended claims 1, 11, 63, 65-79, 83, 92, 101, 103, and 112. Support for these amendments can be found throughout the application, and specifically, for example, on at least page 20, line 22 – page 21, line 14, page 23, line 17 – page 24, line 28, page 25, line 22 – page 29, line 18 page 48, line 27 – page 49, line 19 and page 87, line 4 – page 89, line 2 of the specification and at least Figures 11 and 15-19.

### **4. Response to Claim Rejections**

#### **a. Response to Rejection of Claim 1**

As mentioned above, the Examiner rejected claim 1 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Acampora.

In response, Applicant has amended claim 1 to recite, in part, “at least one node is further configured to be remotely controllable and to determine an energy cost for communication and a message priority, wherein the energy cost is determined based on one or more attenuation values.”

For at least the reasons specified herein, the cited art, alone or in combination, does not disclose or suggest at least the above-quoted functionality of claim 1 and thus does not support a rejection of claim 1. Additionally, Applicant submits the Examiner did not establish a *prima facie* case of obviousness for claim 1 under M.P.E.P. § 2142. Thus, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103.

#### **i. Discussion of Clare**

Clare “relates to wireless networks for data transmission, telemetry, or for the remote monitoring of some physical condition or process.” Clare, col. 1, lines 7-9. In such networks, Clare states that

acquired information (the identity, location, and the communication and interference neighbors of the new node) is disseminated to the network, at least locally as needed to schedule communications....Similarly, the new node receives the routing and other information from the network and stores the information in its microprocessor. The new node 210 is now a member node of the network. That node may in turn issue invitations for other new nodes to join. The new node characterization method is then repeated from each member node and for each new node...

Clare, col. 14, lines 13-16 and 22-29. Clare also mentions that

[w]hen the new node receives the pair-wise communication schedule (232), it will exchange, negotiate and launch active processes (232). These active processes could include high priority, overriding instructions or data from the user such as “power down for five minutes” or “all sensors to maximum alert activity.” Urgent instructions to the network of this type will be acted on immediately, before completing the topology learning method.

Clare, col. 15, lines 11-18.

However, Clare does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Clare is silent regarding determining an energy cost for communication.

#### **ii. Discussion of Wichter**

Wichter does not cure the above-mentioned deficiencies in Clare.

Wichter describes “a system for managing multiple dispensing units,” including “[a d]ispensing unit controller system 14 [that] allows management of multiple dispensing units 10

by utilizing the event-driven status messages sent by dispensing units 10.” Wichter, col. 3, line 15 and col. 11, lines 11-13.

In this context, Wichter states that

[m]essages include three priorities: a high priority, a normal priority and a delay priority. Message processor 54 processes high priority messages immediately. Normal priority messages are processed when no more high priority messages are in communications log 44. Finally, communications interface 40 waits until a specified time to send out delayed messages, a priority only applicable to outgoing messages. Delay priority can be used to preschedule status request messages to be transmitted prior to order generation to make orders as accurate as possible. The delay priority can also be utilized to transmit status request messages during off hours to take advantage of reduced cost of communications network 12.

Wichter, col. 11, lines 52-64.

However, like Clare, Wichter does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Wichter is silent regarding determining an energy cost for communication, much less determining an “energy cost” that is “based on one or more attenuation values.”

For at least these reasons, Wichter does not cure the above-mentioned deficiencies in Clare.

### **iii. Discussion of Acampora**

Applicant submits that Acampora does not cure the above-mentioned deficiencies in Clare and Wichter.

Acampora “generally concerns wireless communication, including in the home or office.” Acampora, col. 1, line 21-22. Acampora describes “a dual strategy: (i) a superior home and office communications system ‘framework’ is adopted, and then, this ‘framework’ being set in place, (ii) wireless communications upon the ‘framework’ is dynamically adapted and optimized in both power and bandwidth.” Acampora, col. 4, lines 59-65.

Acampora mentions that “collective agents—the distributed radio communications management system—a) registers clients (either at-home or visiting), b) authenticates visitors, c) maintains a link to external networks (e.g., to the PSTN, or the Internet), d) self-organizes a communications mesh e) implementing the MAC protocol, f) implements the LLC protocol, g)

maintains link addresses for all clients and agents, and, most importantly, h) adapts the mesh, and the communications upon the mesh, to the numbers, powers and instantaneous communications requirements of the clients then connected on and by the communications mesh.” Acampora, col. 6, lines 18-28.

Acampora states that the “radio management system chooses the parameters for this communication in a manner which is (a) client-dependent, and which (b) uses the least power from the battery-powered clients. The agents establish an ad-hoc network among themselves, with routing among and between the agents being ‘minimum hop’ to conserve bandwidth. Accordingly both power and bandwidth are conserved, each as and where required and desired.” Acampora, col. 10, lines 18-25. *See also* Acampora, col. 10, lines 58-61 (mentioning that a “client may send to an agent different than the one from which it receives”).

However, like Clare and Wichter, Acampora does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. At best, as quoted above, Acampora mentions a “radio management system chooses the parameters for this communication in a manner ... which[h] uses the least power from the battery-powered clients.” Acampora, col. 10, col. 18-21. However, Acampora is silent regarding determining an energy cost for communication that is “based on one or more attenuation values.”

For at least these reasons, Acampora does not cure the above-mentioned deficiencies in Clare and Wichter.

#### **iv. Discussion of Kraus**

Applicant submits that Kraus does not cure the above-mentioned deficiencies in Clare, Wichter, and Acampora.

Kraus discloses “methods of operating installations or systems that comprise long electrical conductors.” Kraus, col. 1, lines 7-9. In this context, Kraus describes a

hierarchical data collection network is schematically depicted in FIG. 2, wherein n sensors (201-20n) provide data to m [data collection stations (DCSs)] (211-21m; typically  $m \leq n$ ). As shown in FIG. 2, p intermediate level stations (221-22p; typically  $p \leq m$ ) receive consolidated data from the DCSs and in turn provide further consolidated data to top level station 23 (and, optionally, to one or more user facilities), which in turn provides data to one or more user facilities.

Kraus, col. 7, lines 2-10; *see also* Kraus, col. 7, lines 11-30.

However, like Clare, Wichter, and Acampora, Kraus does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Kraus is silent regarding determining an energy cost for communication.

For at least these reasons, Kraus does not cure the above-mentioned deficiencies in Clare, Wichter, and Acampora.

#### **v. Discussion of Davis**

Applicant submits that Davis does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, and Kraus.

Davis describes “automati[c] install[ation of] software on client computers that are heterogeneous with respect to each other, as well as to server computers in a distributed system.” Davis, col. 3, lines 24-27. In this context, Davis discloses:

FIG. 3A depicts a more detailed block diagram of the site server 202 of FIG. 2.... [containing] a copy of ‘MICROSOFT WINDOWS NT’ 310, a number of services 312, 314, 318, 320, 322 that provide the functionality of the centralized management system, and a site configuration manager 316 that is further described below. ‘MICROSOFT WINDOWS NT’ 310 acts as both a network operating system and a local operating system to the site server. A ‘service’ is a computer program that typically runs as a background task and performs a system function, such as a function related to the centralized management system described herein. The services that provide the functionality of the centralized management system include the scheduler 312, the despooler 314, the inventory processor 318, the inventory data loader 320, and the sender services 322. The scheduler 312 is responsible for scheduling jobs such as software updates to occur across the distributed system and when the time has arrived for the job to be performed, the despooler 314 is responsible for performing the job by distributing the software to one or more computers within the site. The inventory processor 318 is responsible for receiving inventory information from the computers within a domain and passing the data to the inventory data loader 320. The inventory data loader 320 is responsible for receiving the data, correlating the data, and storing the data into a database on the SQL server. The sender services 322 is responsible for performing site-to-site communications.

Davis, col. 6, lines 23-24 and 33-58.

However, like Clare, Wichter, Acampora, and Kraus, Davis does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based

on one or more attenuation values” as recited in claim 1. Rather, Davis is silent regarding determining an energy cost for communication.

For at least these reasons, Davis does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, and Kraus.

#### **vi. Discussion of Makansi**

Applicant submits that Makansi does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, and Davis.

Makansi discloses “a method and apparatus for transmitting messages as packets over a network.” Makansi, ¶ 0002. Makansi mentions “transmitting a message as packets including...forming packets with random sizes, transmitting packets in random order, transmitting the packets through different routes in the network, and transmitting dummy data within the packets.” Makansi, ¶ 0010.

However, like Clare, Wichter, Acampora, Kraus, and Davis, Makansi does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Makansi is silent regarding determining an energy cost for communication.

For at least these reasons, Makansi does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, and Davis.

#### **vii. Discussion of Humpleman**

Applicant submits that Humpleman does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, Davis, and Makansi.

Humpleman discloses a “[m]ethod and system for performing a service on a home network having a plurality of home devices connected thereto.” Humpleman, Abstract. In this context, Humpleman describes a variety of “control interfaces for a home network” that include “supporting utility network functions...interface details of a client device...control and capacity interfaces for all audio and video services...an interface to a home automation lighting controller...control interfaces to communication devices...remote control of the HVAC system...an interface for reading utility meters...[an] interface for security sensors and alarm settings...interfaces for kitchen, utility, and general home appliances...[and] interfaces to devices providing convenience services such as interface to a curtain, window, blinds or

whirlpool controllers...” Humpleman, col. 22, line 22 – col. 23, line 2.

However, like Clare, Wichter, Acampora, Kraus, Davis, and Makansi, Humpleman does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Humpleman is silent regarding determining an energy cost for communication.

For at least these reasons, Humpleman does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, Davis, and Makansi.

#### **viii. Discussion of Myer**

Applicant submits that Myer does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, Davis, Makansi, and Humpleman.

Myer discloses “a system and method of device driver configuration for a control system.” Myer, col. 1, lines 8-10; *see also* Myer, col. 1, lines 26-30. Myer discusses a “system 10” that

includes a control network portal 12 coupled between the Internet 22 and one or more control area networks 30 and 31. Control area networks 30 and 31 are local area networks operating under transport protocols such as Ethernet, and AXLink and PHASTLink® of AMX Corporation (Dallas, Tex.) that interconnect a variety of devices, appliances and/or equipment. The underlying network connectivity 34 may be wired, wireless, power line carriers, or any suitable transmission medium.

Myer, col. 2, lines 52-60.

However, like Clare, Wichter, Acampora, Kraus, Davis, Makansi, and Humpleman, Myer does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Myer is silent regarding determining an energy cost for communication.

For at least these reasons, Myer does not cure the above-mentioned deficiencies in Clare, Wichter, Acampora, Kraus, Davis, Makansi, and Humpleman.

#### **ix. Discussion of Clark and Conclusion**

Applicant submits that Clark does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, Makansi, Humpleman, and Myer.

Clark describes “a hybrid data communication system” with “**synchronous line cards and asynchronous line cards connected to a common data bus including a contention bus**



**arranged to communicate contention signals between the line cards**, characterised in that: the synchronous line cards are arranged to transmit a high priority contention signal to suspend any ongoing transmission by an asynchronous card and to gain access to the bus for the immediate transmission via the bus of synchronous data...” Clark, col. 1, lines 47-56 (emphasis added).

Clark describes “providing an acknowledgement line [so that] the line cards can monitor this line. Thus, any asynchronous line card wishing to transmit will wait until this line indicates that the data bus is free before beginning a contention sequence, but any synchronous line card wishing to transmit will begin a contention sequence without regard to the state of the acknowledgement line.” Clark, col. 2, lines 22-29. Also, Clark states that “[i]n general, the contention address, which establishes the priority of the card during the contention cycle, will be different for each bus, ensuring an equitable distribution of traffic.” Clark, col. 2, lines 63-65.

Clark states that the “contention circuitry compares the module's own contention address, which is applied to the inputs of the circuitry a di-bit at a time, with the other contention addresses broadcast on the contention bus. The priority of the module's own contention address is compared with that of the other contention addresses on the contention bus and only if the module does not have a lower priority is FAIL asserted.” Clark, col. 4, lines 34-41.

However, like Clare, Wichter, Acampora, Kraus, Davis, Makansi, Humpleman, and Myer, Clark does not disclose or suggest “determin[ing] an energy cost for communication...wherein the energy cost is determined based on one or more attenuation values” as recited in claim 1. Rather, Clark is silent regarding determining an energy cost for communication.

For at least these reasons, Clark does not cure the above-mentioned deficiencies in Clare, Wichter, Myer, Kraus, Davis, Makansi, Humpleman, and Myer.

As the subject matter of claim 1 is not disclosed or suggested in the cited art, the cited art does not support a rejection of claim 1 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 1 as required by M.P.E.P. § 2142. Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103.

#### **b. Response to Rejection of Claim 63**

As mentioned above, the Examiner rejected claim 63 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter, Acampora, and Myer. Applicant submits that the cited art does not support a rejection of claim 63 under 35 U.S.C. § 103.

As amended, claim 63 recites, in part, “at least one node is further configured to determine an energy cost for communication and a message priority, wherein the energy cost is determined based on one or more attenuation values.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 63 related to an energy cost for communication based on one or more attenuation value. Thus, the cited art does not support a rejection of claim 63 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 63 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 63 under 35 U.S.C. § 103.

**c. Response to Rejection of Claim 83**

As mentioned above, the Examiner rejected claim 83 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Acampora. Applicant submits that the cited art does not support a rejection of claim 83 under 35 U.S.C. § 103.

As amended, claim 83 recites, in part, “means for communicating node information regarding message priority and energy availability from the at least one local node to one or more other nodes of the plurality of network elements” and “means for determining the energy availability based on one or more attenuation values.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 83 related to determining energy availability based on one or more attenuation values. Thus, the cited art does not support a rejection of claim 83 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 83 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 83 under 35 U.S.C. § 103.

**d. Response to Rejection of Claim 92**

As mentioned above, the Examiner rejected claim 92 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Clark. Applicant submits that the cited art does not support a rejection of claim 92 under 35 U.S.C. § 103.

Claim 92 recites, in part, “wherein, in response to receipt of the high priority message code, the at least one node is configured to broadcast one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event, wherein at least one inhibit message of the one or more inhibit messages is broadcast wirelessly.”

Applicant submits that the cited art does not disclose or suggest at least this functionality of claim 92.

Clare is summarized above. Applicant submits that Clare is silent regarding a “in response to receipt of the high priority message code, the at least one node is configured to broadcast one or more inhibit messages configured to inhibit messaging from nodes not engaged in conveying the high priority event, wherein at least one inhibit message of the one or more inhibit messages is broadcast wirelessly.”

As Clare does not disclose or suggest all of the functionality recited in claim 92, Clare does not support rejection of claim 92 under 35 U.S.C. § 103.

Clark does not cure these deficiencies in Clare. As summarized above in the context of claim 1, Clark describes “a hybrid data communication system” with “**synchronous line cards and asynchronous line cards connected to a common data bus including a contention bus arranged to communicate contention signals between the line cards**, characterised in that: the synchronous line cards are arranged to transmit a high priority contention signal to suspend any ongoing transmission by an asynchronous card and to gain access to the bus for the immediate transmission via the bus of synchronous data...” Clark, col. 1, lines 47-56 (emphasis added).

While Clark does disclose a high priority contention signal to suspend any ongoing transmission by an asynchronous card and to gain access to the bus for the immediate transmission via the bus of synchronous data as quoted immediately above, Clark does not disclose or suggest wireless transmission of the “high priority contention signal.” Indeed, Clark appears to be silent regarding wireless transmission of any type, much less where “at least one inhibit message of the one or more inhibit messages is broadcast wirelessly” as recited in claim

92. Thus, Clark does not cure the deficiencies of Clare in failing to disclose or suggest at least the above-quoted subject matter of claim 92.

Applicant submits that the remaining cited art – Wichter, Myer, Kraus, Davis, Makansi, Humpleman, and Acampora on – does not cure the above-mentioned deficiencies in Clare and Clark. Thus, as the cited art does not disclose or suggest all of the recited functionality of claim 92, the cited art does not support a rejection of claim 92 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 92 as required by M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 92 under 35 U.S.C. § 103.

**e. Response to Rejection of Claim 101**

As mentioned above, the Examiner rejected claim 101 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Acampora. Applicant submits that the cited art does not support a rejection of claim 101 under 35 U.S.C. § 103.

As amended, claim 101 recites, in part, “at least one node is further configured to determine a message priority and an energy cost for communication and to distribute data and executable code through the network using messages of predetermined priority, wherein the energy cost is determined based on one or more attenuation values.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 101 related to “energy cost for communication [that] is determined based on one or more attenuation values.” Thus, the cited art does not support a rejection of claim 101 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 101 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 101 under 35 U.S.C. § 103.

**f. Response to Rejection of Claim 103**

As mentioned above, the Examiner rejected claim 103 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Acampora. Applicant submits that the cited art does not support a rejection of claim 103 under 35 U.S.C. § 103.

As amended, claim 103 recites, in part, a “plurality of network elements is configured to distribute data processing through the sensor network in response to the energy cost for communication, wherein the energy cost is determined based on one or more attenuation values.” For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 103 related to “energy cost [that] is determined based on one or more attenuation values.” Thus, the cited art does not support a rejection of claim 103 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 103 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 103 under 35 U.S.C. § 103.

**g. Response to Rejection of Claim 112**

As mentioned above, the Examiner rejected claim 112 under 35 U.S.C. § 103 as allegedly being unpatentable over Clare in view of Wichter and Acampora. Applicant submits that the cited art does not support a rejection of claim 112 under 35 U.S.C. § 103.

As amended, claim 112 recites, in part, a “the plurality of network elements is configured to distribute, after the at least one local node has become a member of the sensor network, data processing on the collected data to one or more of the plurality of network elements, wherein the distribution of the data processing varies based on the message priority and an energy cost for communication, and wherein the energy cost is determined based on one or more attenuation values.”

For at least the reasons presented above for claim 1, the cited art does not disclose or suggest at least the above-quoted functionality of claim 112 related to an “energy cost [that] is determined based on one or more attenuation values.” Thus, the cited art does not support a rejection of claim 112 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claim 112 as required by M.P.E.P. § 2142.

Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 112 under 35 U.S.C. § 103.

**h. Response to the Rejections of the Dependent Claims**

Applicant submits that the remarks made above for independent claims 1, 62, 83, 92, 101, 103 and 112 apply equally to dependent claims 2-32, 34-62, 65-79, 94, and 113-119, as each respective dependent claim ultimately depends from independent claim 1, 62, 83, 92, 101, 103 or 112. Thus, the cited art does not support rejection of claims 2-32, 34-62, 65-79, 94, and 113-119 under 35 U.S.C. § 103. Further, the Examiner has failed to make a *prima facie* case of obviousness for claims 2-32, 34-62, 65-79, 94, and 113-119 as required by M.P.E.P. § 2142. Thus, for at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 2-32, 34-62, 65-79, 94, and 113-119 under 35 U.S.C. § 103.

**5. Conclusion**

There may be other reasons for patentability for the claims of this application, and Applicant does not waive the right to present those arguments at a later time. Applicant submits that all rejections have been addressed herein and respectfully requests the Examiner reconsider and withdraw all rejections for at least these reasons. If, in the opinion of the Examiner, a telephone conference would speed prosecution of this application, the Examiner is invited to call the undersigned at 312-913-3338.

Respectfully submitted,

**McDONNELL BOEHLEN  
HULBERT & BERGHOFF LLP**

Date: April 21, 2011

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